



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 06852-99
10 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: ENS [REDACTED] USN, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 26 Oct 99
(2) PERS-811D memo dtd 23 Feb 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the acceptance date (effective date for pay) of his commission as an ensign as 1 October 1997, rather than 3 March 1998, and to show his ensign date of rank as 1 October 1997; and that his lineal precedence be adjusted accordingly.

2. The Board, consisting of Messrs. Lightle, Swarens and Whitener, reviewed Petitioner's allegations of error and injustice on 9 March 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the acceptance date (effective date for pay) of his commission as an ensign as 1 October 1997, rather than 3 March 1998, and to show his ensign date of rank as 1 October 1997; and that his lineal precedence be adjusted accordingly.

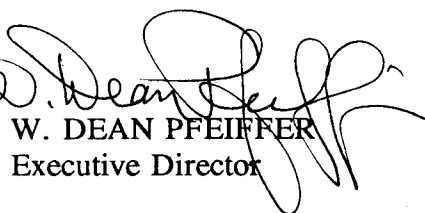
b. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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Ser 811D/0U091
23 Feb 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATION ICC [REDACTED]
[REDACTED] USN, [REDACTED]

1. ENS [REDACTED] was a FY-98 alternate selectee for Limited Duty Officer (LDO)/Designator 6412 (Administration). All 6412 and Chief Warrant Officer 7411 (Ship's Clerk) alternates were designated to be commissioned on 1 October 1997 that particular fiscal year, with the same date of rank (DOR) as the primary selectees. Several available working lists collocated with the FY-98 Board Report clearly indicate ENS [REDACTED] was included in that planning for a 1 October 1997 DOR.
2. ENS [REDACTED] command delayed his commissioning pending an investigation sparked by allegations from his wife. As stated in member's petition, allegations were unsubstantiated and he was commissioned in March 1998.
3. No paperwork was found to date within PERS-811 files related to the investigation, and/or holding his commission in abeyance. ENS [REDACTED] would have been commissioned on 1 October 1997 along with the rest of his peers. Therefore, it is the recommendation of this office that the member's DOR be corrected to 1 October 1997.

[REDACTED]
By direction